

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

329C0815

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HB1273** - 2/17/99

Introduced by: Representatives Crisp and Koskan and Senator Frederick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions and an inspection fee regarding
2 moisture-measuring devices and protein-measuring devices.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 38-31-1 be amended to read as follows:

5 38-31-1. Terms used in this chapter, ~~unless the context otherwise requires,~~ mean:

6 (1) "Agricultural commodity," any grain or seed which is ordinarily tested for moisture
7 content when offered for sale, processing, or storage;

8 (2) "Department," the Department of Agriculture;

9 (3) "Moisture-measuring devices," any ~~electronic~~ device or instrument used in
10 ascertaining the moisture content of agricultural commodities;

11 (4) "Protein-measuring devices," any ~~electronic~~ device or instrument used in ascertaining
12 the protein content of agricultural commodities;

13 (5) "Secretary" the secretary of the Department of Agriculture.

14 Section 2. That § 38-31-2 be amended to read as follows:

15 38-31-2. The department may upon the written request of any elevator or upon the written
16 complaint and request of any individual selling agricultural commodities, inspect any

1 moisture-measuring device or protein-measuring device used in commerce in this state, except
2 those belonging to the United States. The department may inspect at the convenience of the
3 department any moisture-measuring or protein-measuring device.

4 Section 3. That § 38-31-3 be amended to read as follows:

5 38-31-3. If an inspection or comparative test reveals that the moisture-measuring device or
6 protein-measuring device being inspected or tested conforms to the standards and specifications
7 established by the department, the ~~department device~~ shall ~~mark it~~ be marked with an appropriate
8 seal. Any moisture-measuring device or protein-measuring device which upon inspection is found
9 not to conform with the specifications and standards established by the department shall be
10 marked with an appropriate seal showing the device to be defective, which seal may not be
11 altered or removed until the device is properly repaired and reinspected. The owner or user of
12 ~~such the defective~~ device shall be notified in writing on the date of the inspection of ~~such the~~
13 defective condition ~~by the department~~ on an inspection form prepared by the ~~department~~
14 inspector.

15 Section 4. That § 38-31-5 be amended to read as follows:

16 38-31-5. A fee not to exceed ~~twenty-five~~ one hundred dollars may be charged for each device
17 subject to inspection under the provisions of this chapter and rules promulgated thereunder. The
18 inspection fee for an inspection requested pursuant to § 38-31-2 shall be paid by the person
19 requesting the inspection. The department shall establish the amount of the fee by rule
20 promulgated in accordance with chapter 1-26.

21 Section 5. Fees collected pursuant to § 38-31-5 shall be remitted at the end of each month
22 to the state treasurer and deposited in the moisture and protein tester fund, which is hereby
23 created. Expenditures from the fund shall be appropriated through the normal appropriation
24 process. Unexpended funds and interest shall remain in the fund until appropriated by the
25 Legislature.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to Agriculture and Natural Resources. H.J. 282

3 2/16/99 Scheduled for Committee hearing on this date.

4 2/16/99 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 12, NAYS 1.

5 H.J. 536